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RCE  
FW 1761

REQUEST For CONTINUED EXAMINATION (RCE) TRANSMITTAL	
Application Number	09/751,397
Filing Date	January 2, 2001
First Named Inventor	Wilson, et al.
Art Unit	1761
Examiner Name	Tran Lien, Thuy
Attorney Docket Number	67,500-353

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Petition for Three-Month Extension of Time; Declaration under 37CFR 1.132  
Submission of Supporting Data

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 08-2789.
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee under 37 C.F.R. §§ 1.136 and 1.17
- iii. ☒ Other Any addition fees
- b. ☒ Checks in the amount of \$1,720.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Randall L. Shoemaker	Registration No. (Attorney/Agent)	43,118
Signature	<i>Randall L. Shoemaker</i>	Date	September 2, 2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express mail, Label No. EV520886177US in an envelope addressed to: Commissioner for Patents, Mailstop RCE, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Sandra L. Barry	Date	September 2, 2004
Signature	<i>Sandra L. Barry</i>		

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Wilson et al.

Serial No.: 09/751,397

Group Art Unit: 1761

Filed: January 2, 2001

Examiner: Tran, L.T.

For: **WAXY WHEAT PRODUCTS AND PROCESSES FOR  
PRODUCING SAME**

**PRELIMINARY AMENDMENT**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Prior to examination of the accompanying Request For Continued Examination please amend the claims as follows and consider the accompanying remarks. This response is being submitted in conjunction with the filing of a Request For Continued Examination (RCE), a request for a three month extension of time, and a declaration under 37 C.F.R. § 1.132.